Bureau of Naval Personnel
Navy Personnel Command

PERS-4832
ENLISTED SEPARATIONS BRANCH

I'D LIKE TO START WITH A CARTOON.
IT'S ABOUT A GUY WHO SHOWS A CARTOON BEFORE GIVING A BORING PRESENTATION.
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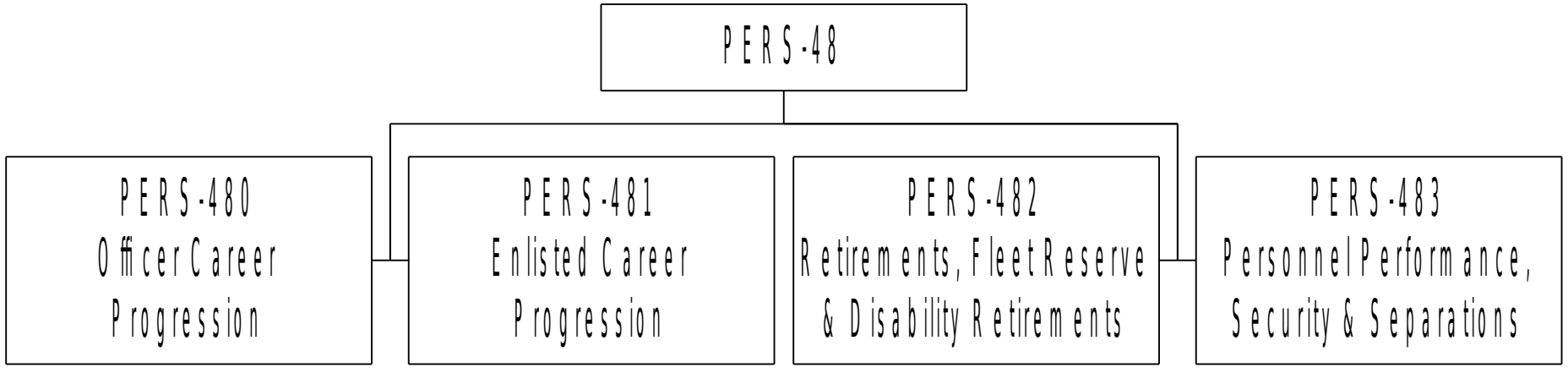
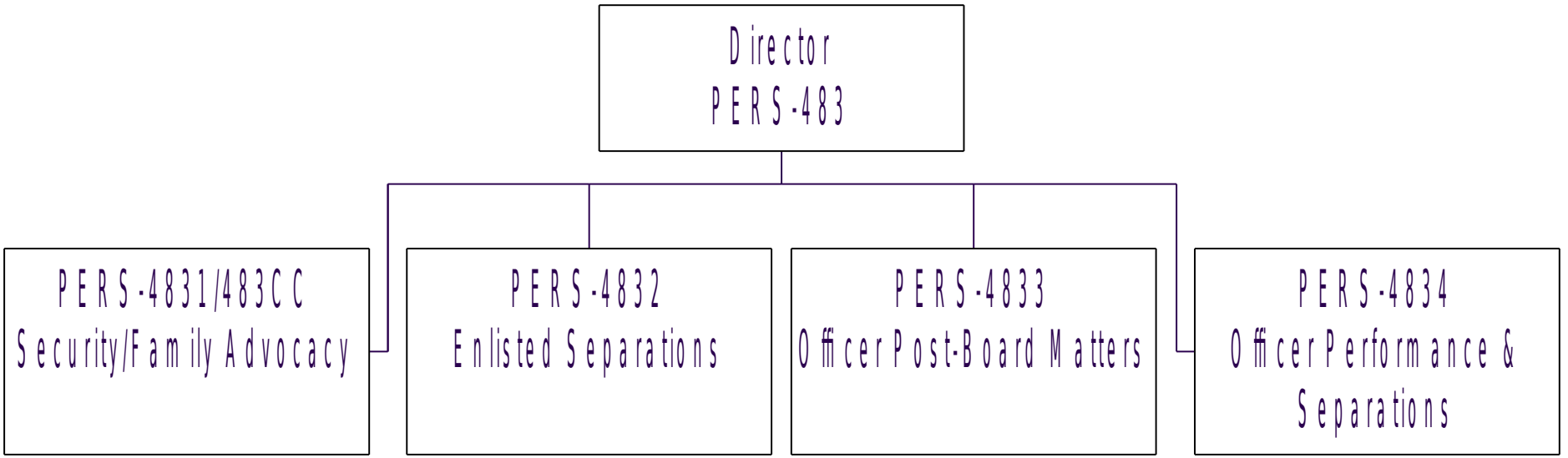
BUT IT DOESN'T WORK BECAUSE THE CARTOON HAS NO PUNCHLINE.

PERS-48
Personnel Progression, Performance and Security Department



PERS-483
Personnel, Performance, Security and Separations Division



What is Administrative Separation?

- **Voluntary: mutual agreement; not a right**
- **Involuntary: Military equivalent of being fired**
  - **Does not constitute punishment**
- **Purpose of Administrative Separation:**
  - **Maintain Standards**
  - **Encourage Honorable Service**
  - **Protect Rights of Individual**
  - **Balance accession/training costs *vs.* cost of retaining**

Types of Administrative Separations

- **NON-ADVERSE**
  - **Involuntary Discharge for "Favorable" Reasons**
    - **Personality Disorder, Parenthood, Physical or Mental Conditions**
  - **Voluntary Discharge**
    - **Pregnancy, Hardship, Alien**

- **ADVERSE**
  - **Involuntary Discharge for "Unfavorable" Reasons**
    - **Misconduct, Drug Abuse, Alcohol Rehab Failure, In Lieu of Court-Martial (*Voluntary*), Fraudulent Enlistment, Homosexual Conduct**

Two Basic Procedures

- **Notification Procedures (paperwork only; no hearing)**
  - **When Offense Warrants a General**
  - **Sailors Over 6 Years Always Have a Right to a Board**
  - **Sailors Less Than 6 Years Have a Right to GCMCA Review (flag officer)**

- **Admin Board Procedures (formal hearing)**
  - **Required for all Mandatory Reasons (except alcohol rehab failure)**
  - **When Offense Warrants an OTH**

Non-Adverse Reasons For Processing

- **Convenience of the Government (COG) - Pregnancy/Childbirth or Parenthood**
- **COG - Physical/Mental Conditions or Personality Disorder**
- **COG - Being an Alien**
- **Separation by Reason of Defective Enlistments and Inductions - Minority Status, Erroneous Enlistment, Defective Enlistment**
- **COG - Hardship (PERS-40HH)**

Adverse Reasons for Processing

- **Misconduct**
  - **Serious Offense**
  - **Civilian Conviction**
  - **Pattern of Misconduct**
  - **Minor Disciplinary Infractions**
  - **Entry Level Performance and Conduct**
  - **Unsatisfactory Performance**
- **Fraudulent Enlistment**
- **Drug Abuse**
- **Homosexual Conduct**

Adverse Reasons for Processing

- **Drug or Alcohol Abuse Rehab Failure**
- **FAP Rehab Failure**
- **Supremacist or Extremist Conduct**
- **BIOTS (not always adverse, may be voluntary/involuntary)**

Mandatory Processing

(MPM 1910-233)

- **Homosexual Conduct (statement, act, marriage)**
- **Serious Offense (aggravating factors 1, 2 or 3)**
- **Civilian Conviction (aggravating factors 1 or 2)**
- **Drug Abuse**
- **Participation in Extremist or Supremacist Activity**
- **FAP Rehab Failure (BIOTS)**
- **Alcohol Rehab Failure (notification procedures)**
- **When CNPC directs ADSEP processing**

Aggravating Circumstances

(1) Violent misconduct which resulted in, or had the potential to result in death or serious bodily injury.

(2) Deviant sexual behavior.

(3) Sexual Harassment if:

Threats or Rewards to influence career OR

Unwanted physical contact

Physical Fitness Assessment

(OPNAVINST 6110.1F)

- **<u>No longer ADSEP basis</u> (MPM 1910-170 has been canceled)**
- **Consequences:**
  - **One/Two failures: no ADSEP consequence; results of all PFA failures during reporting period shall be documented in “comments on performance” on eval/fitrep**
  - **Three failures within four year period: no longer recommended for promotion or retention**
  - **Promotion/Advancement: CO free to recommend promotion, advancement, frocking, or redesignation; but not required**
- **Enlisted will continue to EAOS**

Counseling and Rehabilitation Page 13's (MPM 1910-204)

- **Tool to correct behavior**
  - **Formal documentation**
  - **Gets Sailor's attention**
  - **"*Quasi-Contract* between Navy and Individual"**
    - **If you take corrective action, we will let you stay**
    - **Binding on Navy during remainder of enlistment**
- **Gives "another chance"**
- **Do not use excessively**

Counseling and Rehabilitation Page 13's (MPM 1910-204)

- **Required if Processing For:**
  - **COG - Parenthood**
  - **COG - Personality Disorder**
  - **COG - Physical or Mental Conditions**
  - **Entry Level Performance and Conduct**
  - **Unsatisfactory Performance**
  - **Misconduct - Pattern of Misconduct**
  - **Misconduct - Minor Disciplinary Infractions**

Fraudulent Enlistment
(MPM 1910-134)

- Fraud vs. Erroneous
- Fraudulent (Sailor lied…intent by member to defraud…acted in bad faith)
- Usually detected by PERS-4831
- Waiver Request
  - CO forwards to GCMCA or PERS-4832 for decision
  - Command forwards completed package to PERS-4832 for inclusion in permanent record

Minor Disciplinary Infractions

(MPM 1910-138)

- **A Series of at Least Three, But Not More Than Eight Minor Violations of the UCMJ**
- **No Violations Could Result in a Punitive Discharge**
- **Offenses Documented in Service Record**
- **Occurred During Current Enlistment**
- **Disciplined by One NJP**

- ***And violated a Page 13***

Pattern of Misconduct

(MPM 1910-140)

- **2 punishments under UCMJ (NJP/court-martial) …or**
- **2 or more civil convictions…or**
- **1 NJP and 1 civil conviction…or**
- **3 UA's (> 3 days; < 30 days)…or**
- **Failure to support dependents (a pattern)…*or***
- **Failure to pay debts (a pattern)…**

- ***And violated a Page 13***

Commission of a Serious Offense

(MPM 1910-142)

- **What is a serious offense?**
  - **Violation of punitive article of UCMJ**
  - **Civilian or Military offense**
- **May be separated if:**
  - **Offense warrants separation**
  - **Punitive discharge is maximum punishment per Appendix 12 MCM**
- **Can go straight to adsep…no mast or Court Martial required**
- **Can use notification procedures if OTH not warranted**
- **Some cases require mandatory processing and an admin board must be offered**

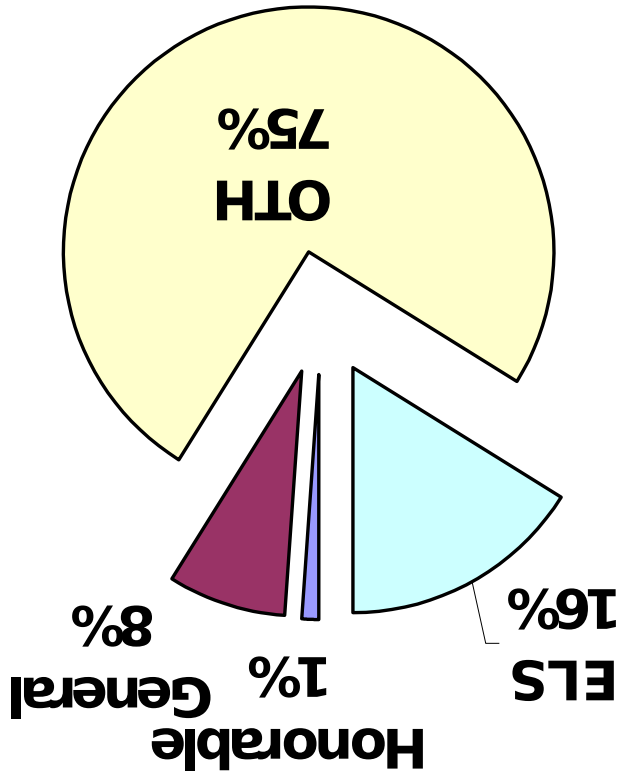
Civilian Conviction
(MPM 1910-144)

- **May be separated if:**
  - **Civilian Conviction or equivalent (deferred prosecution)**
  - **Misconduct is a serious offense or member receives six months or more confinement**
- **All civil convictions (federal, state, local) but not foreign court convictions**
  - ***Conviction is binding:*** **board only makes recommendation on retention/separation and characterization of discharge**
  - **Foreign court conviction allows processing but not discharge**
- **Can use notification procedures if OTH not warranted**
- **Some cases require mandatory processing and an admin board must be offered**

Drug Abuse
(MPM 1910-146)

- **Offenses include: use/possession/paraphernalia/trafficking**
- **Based on urinalysis, admission, eye witness, or other proof**
- **Mandatory Processing**
- **Civilian or Military Jurisdiction**
- **Normally Admin Board Procedures**
  - **OTH in most cases**
  - **Notification procedures for command directed urinalysis (one *not* based on probable cause or random in nature)**

FY02 Drug Separations
"Zero Tolerance"



Typical Drug Detection Windows*

THC (Marijuana)	**3 - 5 days**
Cocaine	**2 - 4 days**
Amphetamines	**2 days**
Barbiturates	**1 - 2 days**
Opiates/LSD	**1 - 2 days**
PCP	**5 - 7 days**
Steroids	**3 days or longer**

*** will vary with amount and duration of use**

Homosexual Conduct
(MPM 1910-148)

- **"Prior to Any Questioning, Members Suspected of Homosexual Conduct Should Be Advised of the DOD Policy on Homosexual Conduct and Apprised of their UCMJ, Article 31b Rights, if applicable."**
- **Mandatory Processing based on *credible* information**
  - **Opinion, rumor, association activity not enough**
- **Forward evidence used by board**
- **Characterization based on service record review unless aggravating factors present:**
  - **Use of force, minor, subordinate, in**

Homosexual Conduct
(MPM 1910-148)

- **Wording on Notice of Administrative Board Procedure *Must Be Verbatim* (Statement, Act, Marriage)**
- **"Homosexual conduct as evidenced by:**
  - **(*Statement*) "Member's statement that he or she is a homosexual or bisexual, or words to that effect, which creates a rebutable presumption that he or she engages in, has a propensity to engage in, or intends to engage in homosexual acts (*and*....)"**
  - **(*Act*) "Member engaging in, attempting to engage in, or soliciting another to engage in a homosexual act or acts**

Guidance on Investigations concerning homosexual conduct

- **If homosexual conduct is alleged and CO sees as credible:**
  - **Must consult with GCMCA SJA before proceeding**
  - **If not available, seek advice from Navy trial service office or Navy Personnel Command**
  - **Document the consultation**
- **If homosexual statement is made and CO suspects it was made to avoid a service obligation:**
  - **Must receive permission to investigate from ASN (M&RA)**
  - **Send request via PERS-48**
  - **ASN definition: "a substantial inquiry . . . is an inquiry that extends beyond questioning the member who made the statement and/or a third party who reports that a member made a statement, individuals suggested by the member for interview, and the member's immediate supervisory chain of command."**

Alcohol Rehab Failure

(MPM 1910-152)

MANDATORY PROCESSING

- **Inability or refusal to participate in treatment**
- **Subsequent *incident*/failure of aftercare**
  - **discreditable involvement w/civil authorities**
  - **public/*domestic* disturbance**
- **PERS-4832 can grant waiver**
- **Characterization based on service record review**

Entry Level Performance and Conduct

(MPM 1910-154)

- **Within First 180 Days of Continuous Active Duty**
- **Unqualified for Further Naval Service**
  - **Incapability**
  - **Lack of Reasonable Effort**
  - **Failure to Adapt to the Naval Environment**
  - **Minor Disciplinary Infractions**

- ***And violated a Page 13***

Unsatisfactory Performance

(MPM 1910-156)

- **One or More Enlisted Evaluations with 1.0 Marks for Any Performance Trait**
- ***And violated a Page 13***

Unsat Participation in the Ready Reserve

(MILPERSMAN 1910-158)

- **May be separated if:**
  - **at least 9 unexcused absences from scheduled training in a 12 month period**
  - **fail to:**
    - **complete required annual training**
    - **comply with involuntary recall to active duty**
    - **report for a physical examination**
    - **keep CO advised of pertinent mobilization information**
    - **respond to official documentation, or**
    - **complete Basic Training Equivalency or Non-Prior Service Accession Course within required time frame**
- **Can use notification procedures if OTH not warranted**
- **PERS-913 POC: DSN 882-4503**

Supremacist or Extremist Conduct

(MPM 1910-160)

- **Substantiated incident or misconduct resulting from participation in supremacist or extremist activities**
- **Processed Under Misconduct - Commission of Serious Offense or Best Interest of the Service (BIOTS)**
  - **usually will involve one or more UCMJ violations**
- ***Call PERS-4832 for Advice Before Proceeding***

FAP Rehabilitation Failure

(MPM 1910-162)

- **PERS-483CC (DSN 882-3729) is the Case Manager for all child sexual abuse cases. Handles all FAP Flags**
- **Report *all* suspected child sexual abuse cases to NCIS, local FAR, and PERS-483CC**
- **Keep NCIS/local investigators "working the case." Keep PERS-483CC informed**
- **Child molesters not normally retained and are processed under commission of a serious offense (MPM 1910-142)**
- **Changing instruction to give CO's more voice in processing and may treat intra/extrafamilial**

Ref: OPNAVINST 1752.2A

Best Interest of the Service (BIOTS)

(MPM 1910-164)

- **Normal reasons for adsep don't fit**
  - **7 cases in FY02**
  - **Not a means to override due process**
- **SECNAV approves**
- **Not entitled to a board, notification procedure is used *with modifications***
- ***Must call PERS-4832 for advice before proceeding***

Administrative Boards: Findings and Recommendations

- **Board Makes Three Decisions:**
  - **Is basis for separation supported by evidence of record ("Did he/she do it?")**
    - **Binding on the Navy***
  - **Retention/separation/suspended separation**
    - **Only a recommendation to separation authority**
  - **Characterization**
    - **Recommendation (Honorable, General, OTH)**
    - **Can be upgraded on review; but not downgraded**

Separation "Decision" Authority

(MPM 1910-704)

- **SPCMCA**
  - **Notification Procedures Used****
  - **Admin Board recommends General or Honorable**
  - **In Lieu of Trial by Court-Martial (UA > 30 days)**

- **GCMCA**
  - **Admin Board recommends OTH or retention**
  - **In Lieu of Trial by Court-Martial**

*** Member can request flag officer review*

Separation "Decision" Authority

(MPM 1910-704)

- **BUPERS/SECNAV**
  - **Optional for "hard" or "sensitive" cases (NPC)**
  - **Homosexual Conduct (NPC)**
  - **Over 18 years of service (CNP)**
  - **Misconduct due to Court-Martial Conviction; no punitive discharge; OTH characterization (SECNAV)**
  - **BIOTS (SECNAV)**
  - **Board finds *misconduct*, recommends separation, command wants to *retain* (CNP)**
  - **Board finds basis, recommends retention, command wants to *separate* (SECNAV)**

Characterization of Discharge

(MPM 1910-300)

- **Command Responsibility (NAVADMIN 140/96)**
- **Temptation to take the "Easy Way Out"…giving a General when offense warrants an OTH**
- **Based on Service Record Review**
  - **generally based on *total* performance**
  - **however, can be based on single adverse incident**
  - **not just a "number crunch" of evaluation marks**

Fleet Reserve Eligibility
(MPM 1910-166)

- **Active Duty**
  - **Normally don't adsep over 20 years -- may request transfer to Fleet Reserve.**
  - **If over 30 years -- may request transfer to the Retired List**
  - **SECNAV has discretion to transfer *in reduced paygrade***
  - **Command endorsement mandatory**
  - **Refusal: process for administrative separation**
    - **board makes recommendation on retirement pay grade**
- **Inactive Duty (PERS-913)**
  - **> 20 years TIS, < 60 years age -- may request**

Detachment for Cause

(MPM 1616-010)

- **E-7 – E-9's, Enlisted cases no longer decided by BUPERS**
  - **First Flag officer in chain of command**

- **Very strong administrative measure**
  - **Single event or extended period; substandard behavior or performance**
  - **Not to be used in lieu of disciplinary action or adsep**
  - ***Not*** **a bar to retention or reenlistment**

Reenlistment Denial
(MPM 1616-030)

- **Additional tool**
- **If member objects to CO's decision not to reenlist, member can go to PERS-4832 for review**
  - **Forward denial with members response**
  - ***Must provide adequate documentation***

Summary

- **Adsep is the logical conclusion of an incompatible situation**
- **Adseps can be adverse or non-adverse actions**
- **Some Adseps are voluntary**
- **Some Adseps are mandatory**
- **Many involve subjective reasoning, CO's judgment**
  - **Seriousness of offense and affect on command**
  - **Member's potential**
  - **Current environment**
- **Is not punishment; uses preponderance of evidence**

References

- **http://bupers.navy.mil**
- **NAVADMIN 108/96: Self-Referral for Drug Abuse Rehabilitation**
- **NAVADMIN 140/96: Enlisted Administrative Separations**
- **NAVADMIN 193/96: Family Advocacy Program**
- **NAVADMIN 253/96: Disestablishment of Petty Officer Quality Control Review Board**
- **NAVADMIN 030/99: Navy Vaccination Program**
- **OPNAVINST 5350.4C: Drug/Alcohol Abuse**

Personnel Progression, Performance & Security Department (PERS-48) POC's

DSN: 882-XXXX

- **ACNP for Personnel Progression, Performance & Security**
  - **(PERS-48): 901-874-3264, p8@persnet.navy.mil**
  - **Director, Personnel Performance & Security Division**
  - **(PERS-483): 901-874-4426, p83@persnet. navy.mil**
  - **Attorney**
  - **(PERS-06L6): 901-874-3160, p06L6@persnet.navy.mil**

Enlisted Separations Branch (PERS-4832) POC'S

DSN: 882-XXXX

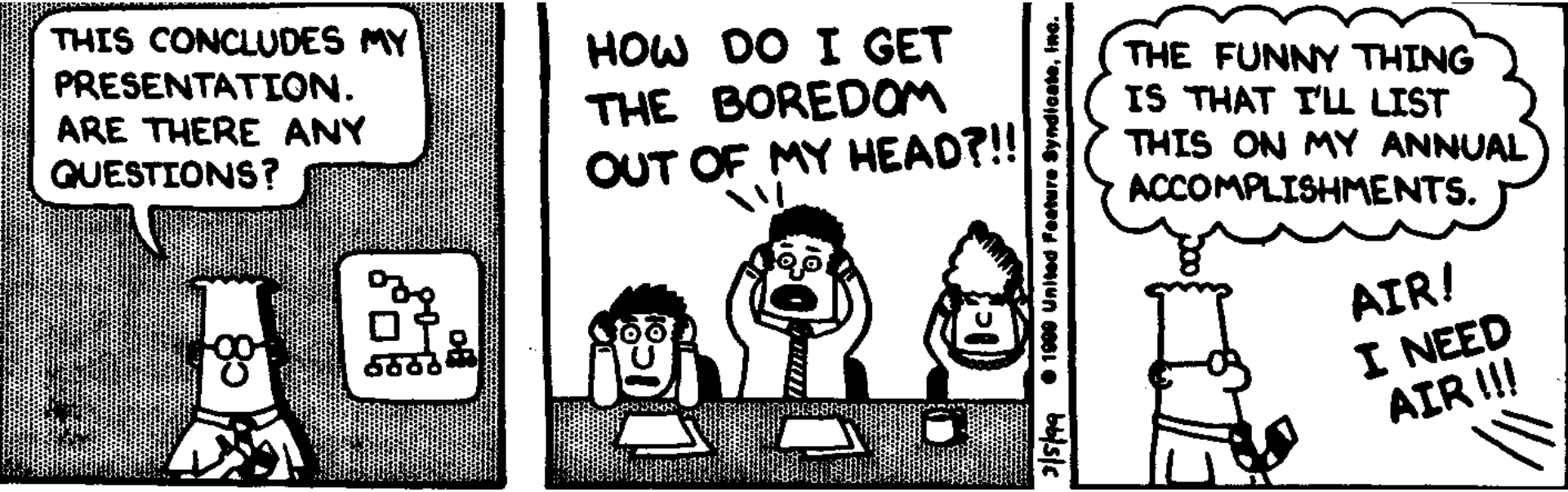
- **Branch Head**
  - **(PERS-4832): 901-874-4433, p832@persnet.navy.mil**
- **Deputy Branch Head**
  - **(PERS-4832B): 901-874-4427, p832B@persnet.navy.mil**
- **Enlisted Separations Section Head**
  - **(PERS-4832D): 901-874-4432, p832D@persnet.navy.mil**
- **Family Advocacy Matters**
  - **(PERS-483CC): 901-874-3729, p83CC@persnet.navy.mil**

Officer Performance and Separations Branch (PERS-4834) POC's

DSN: 882-XXXX

- **Branch Head**
  - **(PERS-4834) 901-874-4424, p834@persnet.navy.mil**
- **Officer Performance Section**
  - **(PERS-4834C) 901-874-4418, p834C@persnet.navy.mil**
- **Unfavorable Officer Separations Section**
  - **(PERS-4834D) 901-874-4420, p834D@persnet.navy.mil**
- **Favorable Officer Separations Section**
  - **(PERS-4834A) 901-874-3197, p834A@persnet.navy.mil**

The End!


THIS CONCLUDES MY PRESENTATION. ARE THERE ANY QUESTIONS?
HOW DO I GET THE BOREDOM OUT OF MY HEAD?!!
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THE FUNNY THING IS THAT I'LL LIST THIS ON MY ANNUAL ACCOMPLISHMENTS.
AIR! I NEED AIR!!!